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15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA- EUREKA**

17 CHRISTOPHER GENE LYMAN; JESSICA
18 HELEN O'DANIEL,

19 Plaintiffs,
20 vs.

21 SAXON MORTGAGE SERVICES, INC.;
22 OCWEN LOAN SERVICING, LLC; FIRST
23 NLC FINANCIAL SERVICES, LLC; and
24 DOES 1 through 100 , inclusive

25 Defendants.

26 Case No: CV110433

27 **STIPULATION RE. EXTENSION OF
28 TIME TO FILE REPLY TO
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

IT IS HEREBY STIPULATED AND AGREED by Plaintiffs CHRISTOPHER GENE

LYMAN and JESSICA HELEN O'DANIEL (collectively "Plaintiffs") and Defendants OCWEN
LOAN SERVICING, LLC, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS
THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as DEUTSCHE BANK
NATIONAL TRUST COMPANY), DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS
THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as IXIS REAL ESTATE
CAPITAL TRUST 2004-HE3), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,

1 INC., AND WESTERN PROGRESSIVE, LLC (collectively "Defendants") by and through their
2 respective counsel of record herein, that:

3 Whereas Defendants have filed a Motion to Dismiss Plaintiffs' Third Amended
4 Complaint ("TAC") currently scheduled for hearing before this Court on May 15, 2012;

5 Whereas Plaintiffs have filed an Opposition to Defendants' Motion to Dismiss the TAC,
6 and Defendants' Reply to Plaintiffs' Opposition to the Motion to Dismiss the TAC was currently
7 due, pursuant to Local Rule, on April 16, 2012; and

8 Whereas the Parties have agreed that Defendants shall be permitted a nine (9) day
9 extension in which to file and serve their Reply to Plaintiffs' Opposition to the Motion to
10 Dismiss the TAC **until April 25, 2012.**

11 **IT SO AGREED AND STIPULATED.**

12 DATED: April 10, 2012

NEARY AND O'BRIEN

13 /s/ Christopher J. Neary

14 Christopher J. Neary
15 Attorneys for Plaintiffs CHRISTOPHER
16 GENE LYMAN and JESSICA HELEN
17 O'DANIEL

18 DATED: April 10, 2012

HOUSER & ALLISON

19 /s/ Jason K. Boss

20 Jason K. Boss
21 Attorneys for Defendants OCWEN LOAN
22 SERVICING, LLC, DEUTSCHE BANK
23 NATIONAL TRUST COMPANY, AS
24 TRUSTEE FOR IXIS REAL ESTATE
25 CAPITAL TRUST 2005-HE3 MORTGAGE
26 PASS THROUGH CERTIFICATES, SERIES
27 2005-HE3 (erroneously sued as DEUTSCHE
COMPANY, AS TRUSTEE FOR IXIS REAL
ESTATE CAPITAL TRUST 2005-HE3
MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2005-HE3
(erroneously sued as IXIS REAL ESTATE
CAPITAL TRUST 2004-HE3), MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., AND WESTERN PROGRESSIVE,LLC

28 *[Proposed Order on Next Page]*

ORDER

This Honorable Court, having reviewed the Stipulation of the Parties herein above and finding good cause therefore, hereby orders as follows:

Defendants OCWEN LOAN SERVICING, LLC, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as DEUTSCHE BANK NATIONAL TRUST COMPANY), DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as IXIS REAL ESTATE CAPITAL TRUST 2004-HE3), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AND WESTERN PROGRESSIVE, LLC (collectively “Defendants”) shall be granted until **April 25, 2012** to file a Reply to Plaintiffs’ Opposition to Defendants’ Motion to Dismiss Plaintiffs’ Third Amended Complaint.

IT IS SO ORDERED.

Dated: April 11, 2012

HONORABLE NANDOR J. VADAS
United States Magistrate Judge,
United States District Court,
Northern District of California, Eureka Division

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is 9970 Research Drive, Irvine, California 92618.

On April 10, 2012, I served the following document described as:

STIPULATION RE. EXTENSION OF TIME TO FILE REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

On the following interested parties in this action:

Christopher James Neary
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Attorneys for Saxon Mortgage Services, Inc.

BY ELECTRONIC MAIL: I transmitted the document(s) listed above electronically either by e-mail or by electronic filing through the CM/ECF System to the e-mail addresses listed above. I am readily familiar with Microsoft Outlook's e-mail system and the United States District Court's CM/ECF System, and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on April 10, 2012, at Irvine, California.

Kokie Nguyen
Kokie Nguyen